

## COMMITTEE AMENDMENT FORM

DATE 11/25/08

**COMMITTEE PUBLIC SAFETY AND  
LEGAL ADMINISTRATION**

**PAGE(S)** 1&2

**ORDINANCE I.D.# 08-0-2137**

**SECTION(S) 8<sup>th</sup> "Whereas" Clause**  
**and definition of "False alarm" as**  
**contained in Sec. 70-26.**

RESOLUTION I.D.# \_\_\_\_\_

**PARAGRAPH(S)** \_\_\_\_\_

**AMENDMENT: (1) Correct the eight (8<sup>th</sup>) "Whereas" clause to provide as follows:**

WHEREAS, the City of Atlanta Department of Finance reported that the City as received more than \$1,500,000.00 in the past from false alarms and in 2000, it received \$435,481.00, in 2001, \$522,866.00, in 2002, \$451,855.00, in 2003, \$129,462.00, in 2004 \$1,525.00, , and in 2005, \$0;

**and**

**(2) Delete Subsection(2) from the definition of “False alarm”.**

**AN ORDINANCE BY  
COUNCILMEMBERS ANNE FAUVER,  
HOWARD SHOOK AND CLAIR MULLER**

**AS SUBSTITUTED AND AMENDED BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO REPEAL SECTIONS 70-26 THROUGH 70-33 OF  
THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA  
(ENTITLED "BURGLAR OR ROBBERY ALARM SYSTEMS") AND  
SECTIONS 78-68 THROUGH 78-75 OF THE CODE OF ORDINANCES  
OF THE CITY OF ATLANTA, GEORGIA (ENTITLED "FIRE ALARM  
SYSTEMS") AND TO REPLACE SAID SECTIONS WITH ONE  
ORDINANCE COMBINING BOTH ROBBERY, BURGLAR AND FIRE  
ALARMS WITH PROVISIONS TO SIMPLIFY THE PROCESS OF  
REGULATING SUCH ALARM SYSTEMS; TO WAIVE CONFLICTING  
ORDINANCES AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, the current regulatory structure governing burglary, robbery and fire alarms is currently found in the City of Atlanta Code of Ordinances at Chapter 70, Article II, Sections 70-26 through 70-33 and Chapter 78, Article IV; and

**WHEREAS**, the current regulatory structure governing burglary, robbery and fire alarms, hereafter referred to as "alarms", is confusing, inefficient, not being enforced and should to be simplified; and

**WHEREAS**, 93% of all emergency calls from alarms are not valid alarms, hereafter referred to as "false alarms", and

**WHEREAS**, an analysis, performed by the Atlanta Police Department and the Atlanta Fire Rescue Department, shows that the cost to the City of responding to false alarms has been approximately XXXXXXX dollars (\$XXXXXX) per false alarm response, (See analysis attached hereto as Exhibit 'A'); and

**WHEREAS**, the City's emergency personnel need to be available for valid alarms and for their primary purpose of protecting all the citizens of Atlanta; and

**WHEREAS**, from 2000 through 2002 Bain & Co. reported that the City had \$4,387,250 uncollected false alarm fines; and

**WHEREAS**, the City of Atlanta Department of Finance reported that the City has received more than \$1,500,000.00 in the past from false alarms and in 2000, it received \$435,481.00, in 2001, \$522,866.00, in 2002, \$451,855.00, in 2003, \$129,462.00, in 2004 \$1,525.00, , and in 2005, \$0; and

**WHEREAS**, when the City of Atlanta 911 Center receives an emergency call it dispatches emergency service, maintains a record of the outcome, and has the data to keep track of the number of false alarms from an address during the calendar year; and

**WHEREAS**, the process for collecting fines for false alarms can mirror that of a parking ticket;

**WHEREAS**, the Council of the City of Atlanta desires to simplify the existing regulations pertaining to false alarms making them easier to understand and to track, impose and collect fines for false alarms.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1:** That Chapter 70, Article II, Sections 70-26 through 70-33 (attached hereto as **Exhibit B**) be deleted in their entirety and replaced as follows:

**Sec. 70-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm companies mean any company or entity that installs systems and/or monitors and/or responds to alarm systems for remuneration.

Automatic dialing device means any device connected to an alarm system which automatically sends a prerecorded message or coded signal indicating the activation of the alarm system to a predetermined location.

Automatic response alarm system means equipment and devices designed to detect and signal an unauthorized intrusion, an attempted burglary, robbery or fire at a protected premises and signals an alarm system business, monitoring station or other entity with respect to such signal city police or fire personnel are expected to respond.

False alarm means the activation of an emergency alarm by other than a forced entry, attempted forced entry or fire at the premises and at a time when no burglary or robbery is being committed and no fire is occurring on the premises;

Independent alarm system means the equipment and devices designed to detect and signal an unauthorized intrusion, an attempted burglary, a robbery, or a fire at a protected premises and upon activation does not automatically signal an alarm company, monitoring station or other entity for emergency response.

Multiple alarm sites mean more than one alarm system on the premises.

Response means the dispatch of a police officer or fire personnel to the premises where an alarm system has been activated indicating a burglary, robbery or fire is presently in progress on those premises.

**Sec. 70-28. Permit for business of installation, operation or maintenance.**

(a) Prior to doing business within the city, any person or entity who installs, operates or maintains burglar or robbery alarm devices shall obtain a business license from the City.

(b) Any person or entity who installs an alarm system shall obtain building permit from the City.

(c) No alarm system business, monitoring station or other entity shall operate or cause to be operated or install any device or combination of devices that will, upon action either mechanically, electronically or by any other automatic means, initiate a call and deliver a recorded message to any telephone number assigned to the City.

**Sec. 70-29. Training.**

The person or entity in control of the property on which an alarm system is installed shall train all persons who may activate the alarm system in the proper operation of the alarm system.

**Sec. 70-30. Enforcement.**

Enforcement of this Article, including the collection of fees for false alarms, shall be the responsibility of the City of Atlanta Solicitor or his/her designee and the Municipal Court.

**Sec. 70-31. False Alarms of automatic response alarm systems; fees.**

(a) The City of Atlanta shall be exempt from such fees for responses to false alarms of automatic response alarm systems installed in City-owned facilities within the boundaries of the City.

(b) Following an emergency response by the Atlanta Police Department or the Atlanta Fire Rescue Department to a false alarm of an automatic response alarm system, the responding Department shall notify the City of Atlanta's 911 Call Center of the false alarm.

(c) The City of Atlanta 911 Call Center shall keep a record of the number of false alarms at a specific address, and shall notify the City Solicitor of same. The City Solicitor shall file a warning or citation with the Municipal Court and shall send copy of the warning or citation to the person or entity having or maintaining the property on which the alarm system is installed.

(d) The charges which are reasonably necessary to defray the expenses incident to an emergency response by either the Atlanta Police Department or the Atlanta Fire Rescue Department to a false alarm of an automatic response alarm system shall be as set out in this subsection:

- (1) For the first false alarm in a calendar year, a warning shall be given, but no fee shall be charged.
- (2) For the second false alarm in a calendar year, the person or entity shall be charged a \$100.00 fee.
- (3) For the third false alarm in a calendar year, the person or entity shall be charged a \$200.00 fee.
- (4) For the fourth false alarm in a calendar year, the person or entity shall be charged a \$300.00 fee.
- (5) For the fifth, sixth, seventh, and eighth false alarms in a calendar year, the person or entity shall be charged a \$750.00 fee.
- (6) For all successive false alarms in a calendar year, the person or entity shall be charged a \$1,000.00 fee.

**Section 2:** That Chapter 78, Article IV, (**attached hereto as Exhibit C**), be deleted in its entirety.

**Section 3:** The amendments in this ordinance shall become effective immediately upon the Mayor's signature.

**Section 4:** Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

**Exhibit A**  
**(Needed)**

## **Exhibit B**

## ARTICLE II. BURGLAR OR ROBBERY ALARM SYSTEMS\*

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\***Cross references:** Businesses, ch. 30; private security services and private investigators, § 30-1231 et seq.; law enforcement, ch. 98.

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### Sec. 70-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm system business* means any company or entity that installs, services or responds to alarm systems for remuneration.

*Automatic dialing device* means any device connected to an alarm system which automatically sends a prerecorded message or coded signal indicating the activation of the alarm system to a predetermined location.

*Automatic response alarm system* means an assembly of equipment and devices that is designed and arranged to detect and signal an unauthorized intrusion into a premises or to signal an attempted robbery at a protected premises and that will upon activation signal an alarm system business, monitoring station or other entity and with respect to such signal city police are expected to respond.

*False alarm* means the activation of a burglary or robbery alarm by other than a forced entry or attempted forced entry into the premises and at a time when no burglary or robbery is being committed or attempted on the premises.

*Independent alarm system* means an assembly of equipment and devices designed and arranged to detect and signal an unauthorized intrusion into a premises or to signal an attempted robbery at a protected premises and upon activation does not automatically signal an alarm system business, monitoring station or other entity for police response.

*Multiple alarm sites* means more than one alarm system on the premises.

*Permit* means a certificate of authorization issued by the department of police to the person in control of the property which authorizes the operation of an alarm system.

*Permit holder* means the individual, corporation, partnership or other legal entity to whom an alarm system permit is issued.

*Response* means the dispatch of a police officer to the premises where an alarm system has been activated indicating a burglary or robbery is presently in progress on those premises.

(Code 1977, § 11-2042)

**Cross references:** Definitions generally, § 1-2.

### Sec. 70-27. Penalty for violation.



- (a) Any person violating or failing to comply with this article shall be fined not less than \$100.00 and not more than \$1,000.00 and punished as prescribed by law.
- (b) The city shall be exempt from such fees and fines for burglar alarm systems installed in city-owned facilities within the boundaries of the city.

(Code 1977, § 11-2049)

**Sec. 70-28. Permit for business of installation, operation or maintenance.**

Prior to doing business within the city, any person who installs, operates or maintains burglar or robbery alarm devices shall obtain a permit from the mayor or the mayor's designee as follows:

- (1) All persons desiring to obtain a permit shall make written application to the department of police upon forms to be prepared and approved by the police chief, and this application shall be sworn to by the applicant or the applicant's agent.
- (2) Every application shall contain the full name and address of the applicant, a telephone number at which the department of police can notify the applicant or the applicant's personnel of a need for assistance at any time, and the state low voltage license number under which the installer will be working and all other data, information and records requested of them by the police chief or the department of police. Failure to furnish data, information and records requested by the police chief or the department of police within 30 days from the date of the request shall automatically serve to dismiss, with prejudice, the application. The applicant shall reapply no sooner than six months from the date of the dismissal.
- (3) No original permit for the installation, operation or maintenance of burglar or robbery alarm devices shall be issued to any person for pecuniary gain where an individual having an interest, either as owner, partner, principal stockholder, or the spouse of the individual shall have been convicted or shall have taken a plea of nolo contendere on any felony or misdemeanor of any state of the United States within five years immediately prior to the filing of the application. Any conviction subsequent to the issuance of a permit shall be grounds for revocation of the permit. The term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime. Where the violation is for a misdemeanor or forfeiture of bond or where there is a plea of nolo contendere, the mayor or a designee may, after investigation, waive it as a disqualification.
- (4) Each alarm system business shall notify the department of police in writing of any change in the telephone number by which personnel can be reached within 72 hours of such change.
- (5) Each burglar or robbery alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for police response shall be responsible for providing accurate information such as address and emergency telephone numbers for clients it is serving. Each such alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for police response shall be required to maintain an

up-to-date list of all customers it is serving. This list shall contain the proper address, home telephone number, work telephone number or any other telephone number where the client can be reached for an alarm activation. Each such alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for police response shall be responsible for contacting its clients to grant access to the premises where an alarm has been activated when requested to do so by a member of the department of police.

- (6) No burglar or robbery alarm system business, monitoring station or other entity shall operate or cause to be operated or install any device or combination of devices that will, upon action either mechanically, electronically or by any other automatic means, initiate a call and deliver a recorded message to any telephone number assigned to the city by a public telephone company.

(Code 1977, § 11-2043)

#### **Sec. 70-29. Permit for installation and operation.**

- (a) It shall be unlawful for any person to install, operate, cause to be operated, authorize or allow the operation of a burglar or robbery alarm system unless a current permit has been issued by the police chief or the chief's designee for such system. However, this section shall not be applicable to an alarm system business which monitors, services or monitors and services an alarm system installed and designed to protect property under the control of a person other than the alarm system business. For the purpose of this section the term "person in control of this property" means a person having ownership or a leasehold interest in the property on which an alarm system is to be installed. The person in control of the property shall be subject to prosecution if the person authorizes or allows the operation of such system without a valid permit. Application for a permit for the operation of an alarm system shall be made by a person having ownership or a leasehold interest in the property on which the alarm system is to be installed and operated. The application shall be made in writing to the police chief or the chief's designee on a form designated by the chief for that purpose. On such application, the applicant shall set forth the following:
  - (1) The name, address and telephone number of each person in control of the property.
  - (2) The street address of the property on which the alarm system is to be installed and operated.
  - (3) Any business name used for the premises on which the alarm system is to be installed and operated.
  - (4) The name of the person or alarm system business who will install the alarm system.
  - (5) Automatic response alarm users shall furnish the name and telephone numbers of the alarm system business which can contact the alarm user through emergency telephone numbers provided them by the alarm user.
  - (6) Independent alarm users shall furnish home, work or any other telephone number where they may be contacted in an alarm activation. These telephone

numbers shall also be posted in a conspicuous place on the premises where an independent alarm system is located.

- (7) The application shall be signed by the person making application for the permit.
- (b) The chief or the chief's designee shall issue a permit to the individual, corporation, partnership or other legal entity having an ownership or leasehold interest in the property upon submission of an application in accordance with this section and a payment of a permit fee. The permit fee shall be \$50.00 for businesses and homeowners shall be exempt. For multiple alarms, a permit shall be required for each alarm system. If it is found that any statement made in the application is false, a permit shall not be issued. Each permit issued in accordance with this section shall be valid until such time as the control of the property is transferred from the permit holder. Upon such transfer of control of the property, a new permit shall be obtained. The city shall be exempt from any fees on burglar alarm systems installed in city-owned facilities within the boundaries of the city.
- (c) Any person who has an alarm system which was installed on such person's property prior to the effective date of the ordinance from which this section is derived is required to obtain a permit for the alarm system within 180 days of the effective date of the ordinance from which this section is derived. During the 180-day grace period, the alarm system can continue to operate. To obtain such a permit, the person in control of the property shall file an application therefor pursuant to this article and pay the permit fee. After the expiration of the 180-day grace period, the person in control of the property which the alarm system is designed to protect shall be subject to prosecution if such person permits the operation of the alarm without a valid permit.
- (d) The permit holder for an alarm system shall keep the permit at the alarm site and shall produce the permit for inspection upon the request of any member of the department of police.
- (e) The person in control of the property on which an alarm system is installed shall train all persons who may activate the alarm system in the proper operation of the alarm system.
- (f) The person in control of the property shall ensure that the alarm system is repaired within 72 hours of the time of notification that the system is malfunctioning is given in writing on a form designated by the police chief to the owner/lessee or to a company employee or agent by a member of the department of police designated by the chief to give such notices. The person in control of the property may cause the system to be disarmed rather than having it repaired. If the system is disarmed rather than repaired, it shall not be rearmed until it has been repaired.
- (g) Those persons who install their own audible alarm or who are not using an alarm company or monitoring station shall be required to furnish all the emergency telephone numbers at which they can be reached in an alarm activation. These numbers shall also be posted in a conspicuous location on the premises where an independent alarm system is located.

(Code 1977, § 11-2044; Ord. No. 1999-16, § 1, 2-9-99; Ord. No. 2005-10, § 1, 2-28-05)

#### **Sec. 70-30. Permit conditions.**

- (a) Any permit issued under this article shall require the permit holder to service any alarm

installed by the holder subsequent to the installation of the alarm and on a continuing basis. The permit holder or an agent shall be required to respond to any alarm installed when requested to do so by the department of police or by the owner of the property to which the alarm is attached.

- (b) Any person granted a permit under this article shall be required to provide at each location where the permit holder installs an alarm a framed notice bearing the name and telephone number of the permit holder who installed the alarm. The permit holder shall be available to service the alarm at any time of the day or night.
- (c) Failure of a permittee to meet the requirements of subsections (a) and (b) of this section or failure to abide by this article shall be grounds for revocation of any permit so granted.

(Code 1977, § 11-2045)

#### **Sec. 70-31. Unlawful activation.**

It is unlawful for anyone to activate any robbery or burglary alarm except in an actual or attempted burglary or robbery. Further, it is unlawful for anyone notifying the police of an activated alarm and having knowledge that such activation was caused by an electrical or other malfunction of the alarm system or was caused by maintenance or service to the alarm system to fail at the same time to notify the police of such apparent malfunction or repair.

(Code 1977, § 11-2046)

#### **Sec. 70-32. Fees for response to false alarms of automatic response alarm system.**

For a police response to any false alarm of an automatic response burglar or robbery alarm system, the police chief or the chief's designee shall charge and collect from the person or business having or maintaining the automatic response alarm system on the premises owned or occupied by such person or business, fees as follows:

- (1) For a first response to premises at which no other false alarm has occurred within a calendar year, no fee shall be charged, but the person having or maintaining the automatic response alarm system shall, within three working days after notice, make a written report to the police chief on forms prescribed by the police chief setting forth the cause of the false alarm, the corrective action taken, whether the alarm has been inspected by an authorized service technician and such other information as the police chief may require to determine the cause of the false alarm and corrective action necessary.
- (2) For the second response to the premises within a calendar year, no fee shall be charged, but a written report shall be required as for a first response and the police chief or the chief's designee shall be authorized to inspect or cause to be inspected the alarm system at the premises and to prescribe necessary corrective action.
- (3) For a third response to a false alarm at the premises after a second response within a calendar year, no fee shall be charged but a written report shall be required as for a first response, and the police chief shall be authorized to

inspect or cause to be inspected the alarm system at the premises and prescribe necessary corrective action. The police chief or the chief's designee shall give notice to the person or business having or maintaining the alarm system of the conditions and requirements of this article, including the fee requirements for four or more false alarm responses by the police within each calendar year.

- (4) After a third response to a false alarm at the premises within a calendar year, a fee of \$50.00 shall be charged to the person in control of the premises. After a fourth response, a fee of \$75.00 shall be charged. For all succeeding responses, a fee of \$100.00 shall be charged. If such false alarms are a result of failure to take necessary corrective action prescribed by the police chief, the police chief may revoke the alarm permit for the premises and order the disconnection of the alarm system, and it shall be unlawful to reconnect the alarm system until such corrective action has been taken and a new permit is issued by the police chief or the chief's designee, provided that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation. The city shall be exempt from such fees and fines on burglar alarm systems installed in city-owned facilities within the boundaries of the city.

(Code 1977, § 11-2047)

#### **Sec. 70-33. Response to false alarms of independent alarm system.**

For the first three police responses within a calendar year to alarm activations of an independent burglar or robbery alarm system that prove to be false, the corrective actions to be taken are the same as prescribed in section 70-32. After the fourth response to a premises within a calendar year, the independent alarm system shall be deemed a nuisance. Failure of the alarm user to abate such nuisance will make the alarm user subject to penalties and fines as provided for in section 1-8.

(Code 1977, § 11-2048)

## **Exhibit C**

## ARTICLE IV. FIRE ALARM SYSTEMS

### Sec. 78-68. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm system business* means any company or entity that installs, services, or responds to alarm systems for remuneration.

*Automatic response alarm system* means an assembly of equipment and devices that is designed and arranged to detect and signal a fire at a premises, and that will upon activation signal an alarm system business, monitoring station, or other entity, and with respect to such signal, city firefighters are expected to respond.

*Automatic telephone dialing device or digital alarm communicator system* means any alarm device which automatically sends a coded signal over regular telephone lines by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

*Citation* means notice of violation of this article to include assessment of a fine pursuant to this article.

*Dispatch center* means the city fire emergency communications center that receives emergency, medical and/or general information from the public and which dispatches fire and emergency medical personnel.

*Enforcement official* means the fire chief or his designated representative.

*False alarm* means the activation of any alarm, which results in the response of the fire and rescue department, caused by the accidental, negligent or intentional misuse of the system which includes, but is not limited to, test transmissions of alarm signals without prior notification. An alarm is not considered a false alarm if the alarm activation is due to malicious causes beyond the control of the owner/occupant.

*Fine* means the penalty of monetary charge payable to City of Atlanta, authorized pursuant to this article.

*Fire alarm malfunction* means the activation of any alarm which results in the response of the fire and rescue department caused by mechanical/electrical failure, improper installation or lack of proper maintenance, power fluctuation, weather related conditions, or when fire personnel is unable to determine the apparent cause of the alarm activation.

*Independent alarm system* means an assembly of equipment and devices designed and arranged to detect and signal a fire at a premise's and upon activation does not automatically signal an alarm system business, monitoring station, or other entity for fire response.

*Keyholder* means any person authorized to enter the premises who can disable/reset the system.

*Multiple alarm sites* means more than one alarm system on a given premises.

*Owner/occupant* means any person who owns the premises in which an alarm system is installed or the person or persons, who lease, operate, occupy or manage the premises.

*Permit* means a certificate of authorization issued by the department of fire to the person in control of property, which authorizes the operation of an alarm system.

*Permit holder* means the individual, corporation, partnership or other legal entity to whom an alarm system permit is issued.

*Placed into operation* means an alarm system placed in service, which has met all requirements of this article.

*Premises* means any structure or combination of structures and/or any other area within the structure where an alarm system is installed.

*Required alarm system* means a fire alarm system, which the owner/occupant is required by law to install and maintain in an operative condition.

*Reset* means to clear an alarm system of all active indicators and place the system back into normal operation.

*Response* means the dispatch of a fire officer to the premises where an alarm system has been activated indicating the possibility of a fire, or medical, emergency in progress on those premises.

*Serve* means hand-delivery by a representative of the fire and rescue department to the owner/occupant or keyholder who responded to the premises any documents or other material related to the activation of an alarm, or to the provisions provided for in this article. In the event the owner/occupant or keyholder fails to respond to the premises within 30 minutes, serve shall mean placing the documents or other materials in the United States mail, postage prepaid, addressed to the owner or authorized representative.

*Single-station alarm device* means an assembly incorporating the detector, control equipment and alarm-sounding device in one unit operated from a power supply either in the unit or obtained at the point of installation whose designed intent is not to alert the fire and rescue department.

*Smoke detector* means a device that detects the visible or invisible particles of combustion.

(Ord. No. 2002-14, 3-5-02; Ord. No. 2004-74, § 2, 10-20-04)

#### **Sec. 78-69. Penalty for violation.**

- (a) Any person violating or failing to comply with this article shall be fined not less than \$100.00 and not more than \$1,000.00 and punished as prescribed by law.
- (b) The city shall be exempt from such fees and fines for fire alarm systems installed in city-owned facilities within the boundaries of the city.

(Ord. No. 2002-14, 3-5-02)

#### **Sec. 78-70. Permit for business of installation, operation or maintenance.**



- (a) Prior to doing business within the city, any person who installs, operates, or maintains fire alarm devices shall obtain a permit from the mayor or the mayor's designee as follows:
- (1) All persons desiring to obtain a permit shall make written application to the department of fire upon forms to be prepared and approved by the fire chief, and the applicant or the applicant's agent shall swear to this application.
  - (2) No original permit for the installation, operation or maintenance of a fire alarm device shall be issued to any person for pecuniary gain where an individual having an interest, either as owner, partner, principal stockholder, or the spouse of the individual shall have been convicted or shall have taken a plea of nolo contendere on any felony or misdemeanor of any state of the United States within five years immediately prior to the filing of the application. Any subsequent conviction to the issuance of a permit shall be grounds for revocation of the permit. The term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime. Where the violation is for a misdemeanor or forfeiture of bond, or where there is a plea of nolo contendere, the mayor or a designee may, after investigation, waive it as a disqualification.
  - (3) Each alarm system business shall notify the department of fire in writing of any change in the telephone number by which personnel can be reached within 72 hours of such change.
  - (4) Each fire alarm business, monitoring station or other entity which receives alarm activations for the purpose of calling for fire response shall be responsible for providing accurate information such as address and emergency telephone numbers for clients it is serving. Each such alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for fire response shall be required to maintain an up-to-date list of all customers within the city it is serving. This list shall contain the proper address, home telephone number, work telephone number or any other telephone number where the client can be reached in the case of alarm activation. Each such alarm business, monitoring station or other entity which receives alarm activations for the purpose of calling for fire response shall be responsible for contacting its clients to grant access to the premises where an alarm has been activated upon request of a fire officer.
  - (5) No fire alarm business, monitoring station or other entity shall operate or cause to be operated or install any device, or combination of devices that will, upon action either mechanically, electronically or by any other means, initiate a call and deliver a recorded message to any telephone number assigned within the city by a public telephone company.
  - (6) At the time of application for a fire alarm system permit the applicant shall provide the fire and rescue department with such pertinent alarm system information such as manufacturer, make and model, number of enunciator panels, and number of smoke detectors in the fire alarm system if applicable.

(Ord. No. 2002-14, 3-5-02; Ord. No. 2004-74, § 2, 10-20-04)

## **Sec. 78-71. Permit for installation and operation.**

- (a) It shall be unlawful for any person to install, operate, cause to be operated, authorize, or allow the operation of a fire alarm system unless a current permit has been issued by the fire chief or the chief's designee for such system. However, this section shall not be applicable to an alarm system business, which monitors or services an alarm system installed and designed to protect property under the control of a person other than the alarm system business. For the purpose of this section the term "person in control of this property" means a person having ownership or a leasehold interest in the property on which an alarm system is to be installed. The person in control of the property shall be subject to prosecution if the person authorizes or allows the operation of such system without a valid permit. A person having ownership or a leasehold interest in the property on which the alarm system is to be installed and operated shall make application for a permit for the operation of such an alarm system. The application shall be made in writing to the fire chief or the chief's designee on a form designated by the chief for that purpose. On such application, the applicant shall set forth the following:
  - (1) The names, addresses and telephone numbers of each person in control of the property.
  - (2) The street address of the property on which the alarm system is to be installed and operated.
  - (3) Any business name used for the premises on which the alarm system is to be installed and operated.
  - (4) The name of the person or alarm system business that will install the alarm system.
  - (5) Automatic response alarm users shall furnish the name and telephone numbers of the alarm system business, which can contact the alarm user through emergency telephone numbers, provided them by the alarm user.
  - (6) Independent alarm users shall furnish home, work or any other telephone number where they may be contacted in case of alarm activation. These telephone numbers shall also be posted in a conspicuous place on the premises where an independent alarm system is located.
  - (7) The person making application for the permit shall sign the application.
- (b) The chief or the chief's designee shall issue a permit to the individual, corporation, partnership or other legal entity having an ownership or leasehold interest in the property upon submission of an application in accordance with this section, and payment of a permit fee which shall be \$50.00 for homeowners and \$50.00 for businesses. For multiple alarm systems, a permit shall be required for each alarm system. If it is found that any statement made in the application is false, a permit shall not be issued. Each permit issued in accordance with this section shall be valid until such time as the control of the property is transferred from the permit holder. Upon such transfer of control of the property, a new permit shall be obtained. The city shall be exempt from such fees on alarm systems installed in city-owned facilities within the boundaries of the city.

- (c) Any person who has an alarm system, which was installed on such person's property prior to the effective date of the ordinance from which this section is derived, is required to obtain a permit for the alarm system within 180 days of the effective date of the ordinance from which this section is derived. During the 180-day grace period, the alarm system can continue to operate. To obtain such a permit, the person in control of the property shall file an application therefore pursuant to this article and pay the permit fee. After the expiration of the 180-day grace period, the person in control of the property, which the alarm system is designed to protect, shall be subject to prosecution if such person permits the operation of the alarm without a valid permit.
- (d) The permit holder for an alarm system shall keep the permit at the alarm site and shall produce the permit for inspection upon the request of any member of the department of fire.
- (e) The person in control of the property on which an alarm system is installed shall train all persons who may activate the alarm system in the proper operation of the alarm system.
- (f) The person in control of the property shall ensure that the alarm system is repaired within 72 hours of the time of notification that the system is malfunctioning is given in writing on a form designated by the fire chief to the owner/lessee or to a company employee or agent by a member of the department of fire designated by the chief to give such notices. The person in control of the property may cause the system to be disarmed rather than having it repaired. If the system is disarmed rather than repaired, it shall not be reinstated until it has been repaired.
- (g) Those persons who install their own audible alarm or who are not using an alarm company or monitoring station shall be required to furnish all the emergency telephone numbers at which they can be reached in case of an alarm activation. These numbers shall also be posted in a conspicuous location on the premises where an independent alarm system is located.

(Ord. No. 2002-14, 3-5-02)

#### **Sec. 78-72. Permit conditions.**

- (a) Any permit issued under this article shall require the permit holder to service any alarm system installed by the holder subsequent to the installation of the alarm system and on a continuing basis. The permit holder or a designated agent shall be required to respond to any subsequent alarms when requested to do so by the department of fire or by the owner of the property to which the alarm is attached.
- (b) Any person granted a permit under this article shall be required to provide at each location where the permit holder installs an alarm system, a framed notice bearing the name and telephone number of the permit holder who installed the system. The permit holder shall be available to service the alarm system at any time of the day or night.
- (c) Failure of a permit holder to meet the requirements of subsections (a) and (b) of this section or failure to abide by this article shall be grounds for revocation of any permit so granted.

(Ord. No. 2002-14, 3-5-02)

### **Sec. 78-73. Unlawful activation.**

It is unlawful for anyone to activate any fire alarm except in an actual or suspected fire. Further, it is unlawful for anyone notifying the fire and rescue department of an activated alarm and having knowledge that such activation was caused by an electrical or other malfunction of the alarm system or was caused by maintenance or service to the alarm system to fail at the same time to notify the said department of such malfunction or repair.

(Ord. No. 2002-14, 3-5-02; Ord. No. 2004-74, § 2, 10-20-04)

### **Sec. 78-74. Fees for response to false alarms of automatic response alarm systems.**

For a fire response to any false alarm of an automatic response fire alarm system, the fire chief or the chief's designee shall charge and collect from the person or business having or maintaining the automatic response alarm system on the premises owned or occupied by such person or business, fees as follows:

- (1) For a first response to premises at which no other false alarm has occurred within a calendar year, no fee shall be charged, but the person having or maintaining the automatic response alarm system shall, within three working days after notice, make a written report to the fire chief on forms prescribed by the fire chief setting forth the cause of the false alarm, the corrective action taken, whether the alarm has been inspected by an authorized service technician and such other information as the fire chief may require to determine the cause of the false alarm and corrective action necessary. The fire chief or the chief's designee shall give notice to the person or business having or maintaining the alarm system of the conditions and requirements of this article, including the fee requirements for a second, and all subsequent false alarm responses by the fire and rescue department within each calendar year.
- (2) After the first response to a false alarm at the premises within a calendar year, a fee of \$100.00 shall be charged to the person in control of the premises. After a second response, a fee of \$150.00 shall be charged. After a third response, a fee of \$200.00 shall be charged. For all succeeding responses, a fee of \$250.00 shall be charged.
- (3) For each response, after the first, to a false alarm at the premises within a calendar year, an additional fee of \$250.00 shall be charged for each instance that requires the fire and rescue department to remain on the scene for purposes of investigation, or corrective action for more than 45 minutes from the time of arrival to termination of the incident.
- (4) If such false alarms are a result of failure to take necessary corrective action prescribed by the fire chief, the fire chief may revoke the alarm permit for the premises and order the disconnection of the alarm system. It shall be unlawful to reconnect the alarm system until such corrective action has been taken and the fire chief or the chief's designee issues a new permit, provided that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation. The city shall be exempt from such fees and fines on

alarm systems installed in city-owned facilities within the boundaries of the city.

(Ord. No. 2002-14, 3-5-02; Ord. No. 2004-74, § 2, 10-20-04)

**Sec. 78-75. Response to false alarms of independent alarm systems.**

For the first fire response within a calendar year to an alarm activation of an independent fire alarm system that proves to be false, the corrective actions to be taken are the same as prescribed in section 78-74. After the first response to a premise within a calendar year, the independent alarm system shall be deemed a nuisance. Failure of the alarm user to abate such nuisance will make the alarm user subject to penalties and fines as provided for in section 78-74.

(Ord. No. 2002-14, 3-5-02)

AN ORDINANCE

BY COUNCILMEMBER ANNE FAUVER → HOWARD SHOOK

*HLSH*  
*[Signature]*

*Clair Dulle*

**AN ORDINANCE TO AMEND SECTION 70-26 ET SEQ. OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA (ENTITLED "BURGLAR OR ROBBERY ALARM SYSTEMS") BY REPEALING SECTIONS 70-26 THROUGH 70-33 AND REPLACING SAID SECTIONS WITH PROVISIONS WHICH SIMPLIFY THE PROCESS OF REGULATING SUCH ALARM SYSTEMS; TO WAIVE CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.**

WHEREAS, the current regulatory structure governing burglar or robbery alarm systems is inefficient, not adhered to and should to be simplified; and

WHEREAS, the Council of the City of Atlanta desires to simplify said system.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1:** Sections 70-26 through 70-33 of the Code of Ordinances of the City of Atlanta (attached hereto as Exhibit A) are hereby repealed in their entirety and the following provisions are substituted in lieu thereof:

Sec. 70-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system business means any company or entity that installs, services or responds to alarm systems for remuneration.

Automatic dialing device means any device connected to an alarm system which automatically sends a prerecorded message or coded signal indicating the activation of the alarm system to a predetermined location.

Automatic response alarm system means an assembly of equipment and devices that is designed and arranged to detect and signal an unauthorized

intrusion into a premises or to signal an attempted robbery at a protected premises and that will upon activation signal an alarm system business, monitoring station or other entity and with respect to such signal city police are expected to respond.

False alarm means the activation of a burglary or robbery alarm by other than a forced entry or attempted forced entry into the premises and at a time when no burglary or robbery is being committed or attempted on the premises.

Multiple alarm sites means more than one alarm system on the premises.

Response means the dispatch of a police officer to the premises where an alarm system has been activated indicating a burglary or robbery is presently in progress on those premises.

(Code 1977, § 11-2042)

Cross references: Definitions generally, § 1-2.

Sec. 70-27. Penalty for violation.

(a) Any person violating or failing to comply with this article shall be fined not less than \$100.00 and not more than \$1,000.00 and punished as prescribed by law.

(b) The city shall be exempt from such fees and fines for burglar alarm systems installed in city-owned facilities within the boundaries of the city.

(Code 1977, § 11-2049)

Sec. 70-28. Permit for business of installation, operation or maintenance.

(a) Prior to doing business within the city, any person who installs, operates or maintains burglar or robbery alarm devices shall obtain a **building** permit from the mayor or the mayor's designee.

(b) No burglar or robbery alarm system business, monitoring station or other entity shall operate or cause to be operated or install any device or combination of devices that will, upon action either mechanically, electronically or by any other automatic means, initiate a call and deliver a recorded message to any telephone number assigned to the city by a public telephone company.

(Code 1977, § 11-2043)

Sec. 70-29. Permit for installation and operation.

(a) The person in control of the property on which an alarm system is installed shall train all persons who may activate the alarm system in the proper operation of the alarm system.

(b) The person in control of the property shall ensure that the alarm system is repaired within 72 hours of the time of notification that the system is malfunctioning is given in writing on a form designated by the police chief to the owner/lessee or to a company employee or agent by a member of the department of police designated by the chief to give such notices. The person in control of the property may cause the system to be disarmed rather than having it repaired. If the system is disarmed rather than repaired, it shall not be rearmed until it has been repaired.

Sec. 70-30. Unlawful activation.

It is unlawful for anyone to activate any robbery or burglary alarm except in an actual or attempted burglary or robbery. Further, it is unlawful for anyone notifying the police of an activated alarm and having knowledge that such activation was caused by an electrical or other malfunction of the alarm system or was caused by maintenance or service to the alarm system to fail at the same time to notify the police of such apparent malfunction or repair.

(Code 1977, § 11-2046)

Sec. 70-31. Fees for response to false alarms of automatic response alarm system.

For a police response to any false alarm of an automatic response burglar or robbery alarm system, the police chief or the chief's designee shall charge and collect from the person or business having or maintaining the automatic response alarm system on the premises owned or occupied by such person or business, fees as follows:

(1) For a first response to premises at which no other false alarm has occurred within a calendar year, no fee shall be charged, but the person having or maintaining the automatic response alarm system shall, within three working days after notice, make a written report setting forth the cause of the false alarm, the corrective action taken, whether the alarm has been inspected by an authorized service technician and such other information as the police chief may require to determine the cause of the false alarm and corrective action necessary.

(2) For the second response **and all succeeding responses** to the premises within a calendar year, no fee shall be charged, but a written report shall be required as for a first response and the police chief or the chief's designee shall be authorized to inspect or cause to be inspected the alarm system at the premises and to prescribe necessary corrective action. **Provided, however, that for the second and all succeeding false alarms, the person or business shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00.**



**(3) All false alarms after the fourth false alarm shall be considered a nuisance.**

Sec. 70-32. Response to false alarms of independent alarm system.

For any police response within a calendar year to alarm activations of an independent burglar or robbery alarm system that prove to be false, the corrective actions to be taken are the same as prescribed in section 70-31.

## ARTICLE II. BURGLAR OR ROBBERY ALARM SYSTEMS\*

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\*Cross references: Businesses, ch. 30; private security services and private investigators, § 30-1231 et seq.; law enforcement, ch. 98.

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### Sec. 70-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm system business* means any company or entity that installs, services or responds to alarm systems for remuneration.

*Automatic dialing device* means any device connected to an alarm system which automatically sends a prerecorded message or coded signal indicating the activation of the alarm system to a predetermined location.

*Automatic response alarm system* means an assembly of equipment and devices that is designed and arranged to detect and signal an unauthorized intrusion into a premises or to signal an attempted robbery at a protected premises and that will upon activation signal an alarm system business, monitoring station or other entity and with respect to such signal city police are expected to respond.

*False alarm* means the activation of a burglary or robbery alarm by other than a forced entry or attempted forced entry into the premises and at a time when no burglary or robbery is being committed or attempted on the premises.

*Independent alarm system* means an assembly of equipment and devices designed and arranged to detect and signal an unauthorized intrusion into a premises or to signal an attempted robbery at a protected premises and upon activation does not automatically signal an alarm system business, monitoring station or other entity for police response.

*Multiple alarm sites* means more than one alarm system on the premises.

*Permit* means a certificate of authorization issued by the department of police to the person in control of the property which authorizes the operation of an alarm system.

*Permit holder* means the individual, corporation, partnership or other legal entity to whom an alarm system permit is issued.

*Response* means the dispatch of a police officer to the premises where an alarm system has been activated indicating a burglary or robbery is presently in progress on those premises.

(Code 1977, § 11-2042)

**Cross references:** Definitions generally, § 1-2.

### Sec. 70-27. Penalty for violation.

Exhibit "A"

- (a) Any person violating or failing to comply with this article shall be fined not less than \$100.00 and not more than \$1,000.00 and punished as prescribed by law.
- (b) The city shall be exempt from such fees and fines for burglar alarm systems installed in city-owned facilities within the boundaries of the city.

(Code 1977, § 11-2049)

#### **Sec. 70-28. Permit for business of installation, operation or maintenance.**

Prior to doing business within the city, any person who installs, operates or maintains burglar or robbery alarm devices shall obtain a permit from the mayor or the mayor's designee as follows:

- (1) All persons desiring to obtain a permit shall make written application to the department of police upon forms to be prepared and approved by the police chief, and this application shall be sworn to by the applicant or the applicant's agent.
- (2) Every application shall contain the full name and address of the applicant, a telephone number at which the department of police can notify the applicant or the applicant's personnel of a need for assistance at any time, and the state low voltage license number under which the installer will be working and all other data, information and records requested of them by the police chief or the department of police. Failure to furnish data, information and records requested by the police chief or the department of police within 30 days from the date of the request shall automatically serve to dismiss, with prejudice, the application. The applicant shall reapply no sooner than six months from the date of the dismissal.
- (3) No original permit for the installation, operation or maintenance of burglar or robbery alarm devices shall be issued to any person for pecuniary gain where an individual having an interest, either as owner, partner, principal stockholder, or the spouse of the individual shall have been convicted or shall have taken a plea of nolo contendere on any felony or misdemeanor of any state of the United States within five years immediately prior to the filing of the application. Any conviction subsequent to the issuance of a permit shall be grounds for revocation of the permit. The term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime. Where the violation is for a misdemeanor or forfeiture of bond or where there is a plea of nolo contendere, the mayor or a designee may, after investigation, waive it as a disqualification.
- (4) Each alarm system business shall notify the department of police in writing of any change in the telephone number by which personnel can be reached within 72 hours of such change.
- (5) Each burglar or robbery alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for police response shall be responsible for providing accurate information such as address and emergency telephone numbers for clients it is serving. Each such alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for police response shall be required to maintain an

up-to-date list of all customers it is serving. This list shall contain the proper address, home telephone number, work telephone number or any other telephone number where the client can be reached for an alarm activation. Each such alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for police response shall be responsible for contacting its clients to grant access to the premises where an alarm has been activated when requested to do so by a member of the department of police.

- (6) No burglar or robbery alarm system business, monitoring station or other entity shall operate or cause to be operated or install any device or combination of devices that will, upon action either mechanically, electronically or by any other automatic means, initiate a call and deliver a recorded message to any telephone number assigned to the city by a public telephone company.

(Code 1977, § 11-2043)

#### **Sec. 70-29. Permit for installation and operation.**

- (a) It shall be unlawful for any person to install, operate, cause to be operated, authorize or allow the operation of a burglar or robbery alarm system unless a current permit has been issued by the police chief or the chief's designee for such system. However, this section shall not be applicable to an alarm system business which monitors, services or monitors and services an alarm system installed and designed to protect property under the control of a person other than the alarm system business. For the purpose of this section the term "person in control of this property" means a person having ownership or a leasehold interest in the property on which an alarm system is to be installed. The person in control of the property shall be subject to prosecution if the person authorizes or allows the operation of such system without a valid permit. Application for a permit for the operation of an alarm system shall be made by a person having ownership or a leasehold interest in the property on which the alarm system is to be installed and operated. The application shall be made in writing to the police chief or the chief's designee on a form designated by the chief for that purpose. On such application, the applicant shall set forth the following:
  - (1) The name, address and telephone number of each person in control of the property.
  - (2) The street address of the property on which the alarm system is to be installed and operated.
  - (3) Any business name used for the premises on which the alarm system is to be installed and operated.
  - (4) The name of the person or alarm system business who will install the alarm system.
  - (5) Automatic response alarm users shall furnish the name and telephone numbers of the alarm system business which can contact the alarm user through emergency telephone numbers provided them by the alarm user.
  - (6) Independent alarm users shall furnish home, work or any other telephone number where they may be contacted in an alarm activation. These telephone

numbers shall also be posted in a conspicuous place on the premises where an independent alarm system is located.

- (7) The application shall be signed by the person making application for the permit.
- (b) The chief or the chief's designee shall issue a permit to the individual, corporation, partnership or other legal entity having an ownership or leasehold interest in the property upon submission of an application in accordance with this section and a payment of a permit fee. The permit fee shall be \$50.00 for businesses and homeowners shall be exempt. For multiple alarms, a permit shall be required for each alarm system. If it is found that any statement made in the application is false, a permit shall not be issued. Each permit issued in accordance with this section shall be valid until such time as the control of the property is transferred from the permit holder. Upon such transfer of control of the property, a new permit shall be obtained. The city shall be exempt from any fees on burglar alarm systems installed in city-owned facilities within the boundaries of the city.
- (c) Any person who has an alarm system which was installed on such person's property prior to the effective date of the ordinance from which this section is derived is required to obtain a permit for the alarm system within 180 days of the effective date of the ordinance from which this section is derived. During the 180-day grace period, the alarm system can continue to operate. To obtain such a permit, the person in control of the property shall file an application therefor pursuant to this article and pay the permit fee. After the expiration of the 180-day grace period, the person in control of the property which the alarm system is designed to protect shall be subject to prosecution if such person permits the operation of the alarm without a valid permit.
- (d) The permit holder for an alarm system shall keep the permit at the alarm site and shall produce the permit for inspection upon the request of any member of the department of police.
- (e) The person in control of the property on which an alarm system is installed shall train all persons who may activate the alarm system in the proper operation of the alarm system.
- (f) The person in control of the property shall ensure that the alarm system is repaired within 72 hours of the time of notification that the system is malfunctioning is given in writing on a form designated by the police chief to the owner/lessee or to a company employee or agent by a member of the department of police designated by the chief to give such notices. The person in control of the property may cause the system to be disarmed rather than having it repaired. If the system is disarmed rather than repaired, it shall not be rearmed until it has been repaired.
- (g) Those persons who install their own audible alarm or who are not using an alarm company or monitoring station shall be required to furnish all the emergency telephone numbers at which they can be reached in an alarm activation. These numbers shall also be posted in a conspicuous location on the premises where an independent alarm system is located.

(Code 1977, § 11-2044; Ord. No. 1999-16, § 1, 2-9-99; Ord. No. 2005-10, § 1, 2-28-05)

#### **Sec. 70-30. Permit conditions.**

- (a) Any permit issued under this article shall require the permit holder to service any alarm

installed by the holder subsequent to the installation of the alarm and on a continuing basis. The permit holder or an agent shall be required to respond to any alarm installed when requested to do so by the department of police or by the owner of the property to which the alarm is attached.

- (b) Any person granted a permit under this article shall be required to provide at each location where the permit holder installs an alarm a framed notice bearing the name and telephone number of the permit holder who installed the alarm. The permit holder shall be available to service the alarm at any time of the day or night.
- (c) Failure of a permittee to meet the requirements of subsections (a) and (b) of this section or failure to abide by this article shall be grounds for revocation of any permit so granted.

(Code 1977, § 11-2045)

#### **Sec. 70-31. Unlawful activation.**

It is unlawful for anyone to activate any robbery or burglary alarm except in an actual or attempted burglary or robbery. Further, it is unlawful for anyone notifying the police of an activated alarm and having knowledge that such activation was caused by an electrical or other malfunction of the alarm system or was caused by maintenance or service to the alarm system to fail at the same time to notify the police of such apparent malfunction or repair.

(Code 1977, § 11-2046)

#### **Sec. 70-32. Fees for response to false alarms of automatic response alarm system.**

For a police response to any false alarm of an automatic response burglar or robbery alarm system, the police chief or the chief's designee shall charge and collect from the person or business having or maintaining the automatic response alarm system on the premises owned or occupied by such person or business, fees as follows:

- (1) For a first response to premises at which no other false alarm has occurred within a calendar year, no fee shall be charged, but the person having or maintaining the automatic response alarm system shall, within three working days after notice, make a written report to the police chief on forms prescribed by the police chief setting forth the cause of the false alarm, the corrective action taken, whether the alarm has been inspected by an authorized service technician and such other information as the police chief may require to determine the cause of the false alarm and corrective action necessary.
- (2) For the second response to the premises within a calendar year, no fee shall be charged, but a written report shall be required as for a first response and the police chief or the chief's designee shall be authorized to inspect or cause to be inspected the alarm system at the premises and to prescribe necessary corrective action.
- (3) For a third response to a false alarm at the premises after a second response within a calendar year, no fee shall be charged but a written report shall be required as for a first response, and the police chief shall be authorized to

inspect or cause to be inspected the alarm system at the premises and prescribe necessary corrective action. The police chief or the chief's designee shall give notice to the person or business having or maintaining the alarm system of the conditions and requirements of this article, including the fee requirements for four or more false alarm responses by the police within each calendar year.

- (4) After a third response to a false alarm at the premises within a calendar year, a fee of \$50.00 shall be charged to the person in control of the premises. After a fourth response, a fee of \$75.00 shall be charged. For all succeeding responses, a fee of \$100.00 shall be charged. If such false alarms are a result of failure to take necessary corrective action prescribed by the police chief, the police chief may revoke the alarm permit for the premises and order the disconnection of the alarm system, and it shall be unlawful to reconnect the alarm system until such corrective action has been taken and a new permit is issued by the police chief or the chief's designee, provided that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation. The city shall be exempt from such fees and fines on burglar alarm systems installed in city-owned facilities within the boundaries of the city.

(Code 1977, § 11-2047)

#### **Sec. 70-33. Response to false alarms of independent alarm system.**

For the first three police responses within a calendar year to alarm activations of an independent burglar or robbery alarm system that prove to be false, the corrective actions to be taken are the same as prescribed in section 70-32. After the fourth response to a premises within a calendar year, the independent alarm system shall be deemed a nuisance. Failure of the alarm user to abate such nuisance will make the alarm user subject to penalties and fines as provided for in section 1-8.

(Code 1977, § 11-2048)

## ARTICLE II. BURGLAR OR ROBBERY ALARM SYSTEMS\*

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\***Cross references:** Businesses, ch. 30; private security services and private investigators, § 30-1231 et seq.; law enforcement, ch. 98.

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### Sec. 70-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm system business* means any company or entity that installs, services or responds to alarm systems for remuneration.

*Automatic dialing device* means any device connected to an alarm system which automatically sends a prerecorded message or coded signal indicating the activation of the alarm system to a predetermined location.

*Automatic response alarm system* means an assembly of equipment and devices that is designed and arranged to detect and signal an unauthorized intrusion into a premises or to signal an attempted robbery at a protected premises and that will upon activation signal an alarm system business, monitoring station or other entity and with respect to such signal city police are expected to respond.

*False alarm* means the activation of a burglary or robbery alarm by other than a forced entry or attempted forced entry into the premises and at a time when no burglary or robbery is being committed or attempted on the premises.

*Independent alarm system* means an assembly of equipment and devices designed and arranged to detect and signal an unauthorized intrusion into a premises or to signal an attempted robbery at a protected premises and upon activation does not automatically signal an alarm system business, monitoring station or other entity for police response.

*Multiple alarm sites* means more than one alarm system on the premises.

*Permit* means a certificate of authorization issued by the department of police to the person in control of the property which authorizes the operation of an alarm system.

*Permit holder* means the individual, corporation, partnership or other legal entity to whom an alarm system permit is issued.

*Response* means the dispatch of a police officer to the premises where an alarm system has been activated indicating a burglary or robbery is presently in progress on those premises.

(Code 1977, § 11-2042)

**Cross references:** Definitions generally, § 1-2.

### Sec. 70-27. Penalty for violation.

Exhibit "A"



- (a) Any person violating or failing to comply with this article shall be fined not less than \$100.00 and not more than \$1,000.00 and punished as prescribed by law.
- (b) The city shall be exempt from such fees and fines for burglar alarm systems installed in city-owned facilities within the boundaries of the city.

(Code 1977, § 11-2049)

**Sec. 70-28. Permit for business of installation, operation or maintenance.**

Prior to doing business within the city, any person who installs, operates or maintains burglar or robbery alarm devices shall obtain a permit from the mayor or the mayor's designee as follows:

- (1) All persons desiring to obtain a permit shall make written application to the department of police upon forms to be prepared and approved by the police chief, and this application shall be sworn to by the applicant or the applicant's agent.
- (2) Every application shall contain the full name and address of the applicant, a telephone number at which the department of police can notify the applicant or the applicant's personnel of a need for assistance at any time, and the state low voltage license number under which the installer will be working and all other data, information and records requested of them by the police chief or the department of police. Failure to furnish data, information and records requested by the police chief or the department of police within 30 days from the date of the request shall automatically serve to dismiss, with prejudice, the application. The applicant shall reapply no sooner than six months from the date of the dismissal.
- (3) No original permit for the installation, operation or maintenance of burglar or robbery alarm devices shall be issued to any person for pecuniary gain where an individual having an interest, either as owner, partner, principal stockholder, or the spouse of the individual shall have been convicted or shall have taken a plea of nolo contendere on any felony or misdemeanor of any state of the United States within five years immediately prior to the filing of the application. Any conviction subsequent to the issuance of a permit shall be grounds for revocation of the permit. The term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime. Where the violation is for a misdemeanor or forfeiture of bond or where there is a plea of nolo contendere, the mayor or a designee may, after investigation, waive it as a disqualification.
- (4) Each alarm system business shall notify the department of police in writing of any change in the telephone number by which personnel can be reached within 72 hours of such change.
- (5) Each burglar or robbery alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for police response shall be responsible for providing accurate information such as address and emergency telephone numbers for clients it is serving. Each such alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for police response shall be required to maintain an

up-to-date list of all customers it is serving. This list shall contain the proper address, home telephone number, work telephone number or any other telephone number where the client can be reached for an alarm activation. Each such alarm system business, monitoring station or other entity which receives alarm activations for the purpose of calling for police response shall be responsible for contacting its clients to grant access to the premises where an alarm has been activated when requested to do so by a member of the department of police.

- (6) No burglar or robbery alarm system business, monitoring station or other entity shall operate or cause to be operated or install any device or combination of devices that will, upon action either mechanically, electronically or by any other automatic means, initiate a call and deliver a recorded message to any telephone number assigned to the city by a public telephone company.

(Code 1977, § 11-2043)

#### **Sec. 70-29. Permit for installation and operation.**

- (a) It shall be unlawful for any person to install, operate, cause to be operated, authorize or allow the operation of a burglar or robbery alarm system unless a current permit has been issued by the police chief or the chief's designee for such system. However, this section shall not be applicable to an alarm system business which monitors, services or monitors and services an alarm system installed and designed to protect property under the control of a person other than the alarm system business. For the purpose of this section the term "person in control of this property" means a person having ownership or a leasehold interest in the property on which an alarm system is to be installed. The person in control of the property shall be subject to prosecution if the person authorizes or allows the operation of such system without a valid permit. Application for a permit for the operation of an alarm system shall be made by a person having ownership or a leasehold interest in the property on which the alarm system is to be installed and operated. The application shall be made in writing to the police chief or the chief's designee on a form designated by the chief for that purpose. On such application, the applicant shall set forth the following:

- (1) The name, address and telephone number of each person in control of the property.
- (2) The street address of the property on which the alarm system is to be installed and operated.
- (3) Any business name used for the premises on which the alarm system is to be installed and operated.
- (4) The name of the person or alarm system business who will install the alarm system.
- (5) Automatic response alarm users shall furnish the name and telephone numbers of the alarm system business which can contact the alarm user through emergency telephone numbers provided them by the alarm user.
- (6) Independent alarm users shall furnish home, work or any other telephone number where they may be contacted in an alarm activation. These telephone

numbers shall also be posted in a conspicuous place on the premises where an independent alarm system is located.

- (7) The application shall be signed by the person making application for the permit.
- (b) The chief or the chief's designee shall issue a permit to the individual, corporation, partnership or other legal entity having an ownership or leasehold interest in the property upon submission of an application in accordance with this section and a payment of a permit fee. The permit fee shall be \$50.00 for businesses and homeowners shall be exempt. For multiple alarms, a permit shall be required for each alarm system. If it is found that any statement made in the application is false, a permit shall not be issued. Each permit issued in accordance with this section shall be valid until such time as the control of the property is transferred from the permit holder. Upon such transfer of control of the property, a new permit shall be obtained. The city shall be exempt from any fees on burglar alarm systems installed in city-owned facilities within the boundaries of the city.
- (c) Any person who has an alarm system which was installed on such person's property prior to the effective date of the ordinance from which this section is derived is required to obtain a permit for the alarm system within 180 days of the effective date of the ordinance from which this section is derived. During the 180-day grace period, the alarm system can continue to operate. To obtain such a permit, the person in control of the property shall file an application therefor pursuant to this article and pay the permit fee. After the expiration of the 180-day grace period, the person in control of the property which the alarm system is designed to protect shall be subject to prosecution if such person permits the operation of the alarm without a valid permit.
- (d) The permit holder for an alarm system shall keep the permit at the alarm site and shall produce the permit for inspection upon the request of any member of the department of police.
- (e) The person in control of the property on which an alarm system is installed shall train all persons who may activate the alarm system in the proper operation of the alarm system.
- (f) The person in control of the property shall ensure that the alarm system is repaired within 72 hours of the time of notification that the system is malfunctioning is given in writing on a form designated by the police chief to the owner/lessee or to a company employee or agent by a member of the department of police designated by the chief to give such notices. The person in control of the property may cause the system to be disarmed rather than having it repaired. If the system is disarmed rather than repaired, it shall not be rearmed until it has been repaired.
- (g) Those persons who install their own audible alarm or who are not using an alarm company or monitoring station shall be required to furnish all the emergency telephone numbers at which they can be reached in an alarm activation. These numbers shall also be posted in a conspicuous location on the premises where an independent alarm system is located.

(Code 1977, § 11-2044; Ord. No. 1999-16, § 1, 2-9-99; Ord. No. 2005-10, § 1, 2-28-05)

#### **Sec. 70-30. Permit conditions.**

- (a) Any permit issued under this article shall require the permit holder to service any alarm

installed by the holder subsequent to the installation of the alarm and on a continuing basis. The permit holder or an agent shall be required to respond to any alarm installed when requested to do so by the department of police or by the owner of the property to which the alarm is attached.

- (b) Any person granted a permit under this article shall be required to provide at each location where the permit holder installs an alarm a framed notice bearing the name and telephone number of the permit holder who installed the alarm. The permit holder shall be available to service the alarm at any time of the day or night.
- (c) Failure of a permittee to meet the requirements of subsections (a) and (b) of this section or failure to abide by this article shall be grounds for revocation of any permit so granted.

(Code 1977, § 11-2045)

#### **Sec. 70-31. Unlawful activation.**

It is unlawful for anyone to activate any robbery or burglary alarm except in an actual or attempted burglary or robbery. Further, it is unlawful for anyone notifying the police of an activated alarm and having knowledge that such activation was caused by an electrical or other malfunction of the alarm system or was caused by maintenance or service to the alarm system to fail at the same time to notify the police of such apparent malfunction or repair.

(Code 1977, § 11-2046)

#### **Sec. 70-32. Fees for response to false alarms of automatic response alarm system.**

For a police response to any false alarm of an automatic response burglar or robbery alarm system, the police chief or the chief's designee shall charge and collect from the person or business having or maintaining the automatic response alarm system on the premises owned or occupied by such person or business, fees as follows:

- (1) For a first response to premises at which no other false alarm has occurred within a calendar year, no fee shall be charged, but the person having or maintaining the automatic response alarm system shall, within three working days after notice, make a written report to the police chief on forms prescribed by the police chief setting forth the cause of the false alarm, the corrective action taken, whether the alarm has been inspected by an authorized service technician and such other information as the police chief may require to determine the cause of the false alarm and corrective action necessary.
- (2) For the second response to the premises within a calendar year, no fee shall be charged, but a written report shall be required as for a first response and the police chief or the chief's designee shall be authorized to inspect or cause to be inspected the alarm system at the premises and to prescribe necessary corrective action.
- (3) For a third response to a false alarm at the premises after a second response within a calendar year, no fee shall be charged but a written report shall be required as for a first response, and the police chief shall be authorized to

inspect or cause to be inspected the alarm system at the premises and prescribe necessary corrective action. The police chief or the chief's designee shall give notice to the person or business having or maintaining the alarm system of the conditions and requirements of this article, including the fee requirements for four or more false alarm responses by the police within each calendar year.

- (4) After a third response to a false alarm at the premises within a calendar year, a fee of \$50.00 shall be charged to the person in control of the premises. After a fourth response, a fee of \$75.00 shall be charged. For all succeeding responses, a fee of \$100.00 shall be charged. If such false alarms are a result of failure to take necessary corrective action prescribed by the police chief, the police chief may revoke the alarm permit for the premises and order the disconnection of the alarm system, and it shall be unlawful to reconnect the alarm system until such corrective action has been taken and a new permit is issued by the police chief or the chief's designee, provided that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation. The city shall be exempt from such fees and fines on burglar alarm systems installed in city-owned facilities within the boundaries of the city.

(Code 1977, § 11-2047)

#### **Sec. 70-33. Response to false alarms of independent alarm system.**

For the first three police responses within a calendar year to alarm activations of an independent burglar or robbery alarm system that prove to be false, the corrective actions to be taken are the same as prescribed in section 70-32. After the fourth response to a premises within a calendar year, the independent alarm system shall be deemed a nuisance. Failure of the alarm user to abate such nuisance will make the alarm user subject to penalties and fines as provided for in section 1-8.

(Code 1977, § 11-2048)